

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2964 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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CHANDRAVADAN A PANDIT

Versus

RAKSHABEN S PATWARI & OTHERS

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Appearance:

MR JAYESH M PATEL for Petitioner

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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 20/04/2000

ORAL JUDGEMENT

I have heard Mr. P.J.Patel, learned counsel for  
Mr. Jitendra M. Patel, learned counsel appearing on  
behalf of petitioner and Ms. B.R.Gajjar, learned  
Assistant Government Pleader appearing on behalf of  
Respondent Nos. 2 and 3.

Present application has been filed by the petitioner challenging the order passed by the Government retiring the petitioner from Government service considering his date of birth as 3rd March, 1930. Learned counsel for the petitioner submitted that the date of birth of the petitioner as accepted by the petitioner is erroneous and in fact, the date of birth of the petitioner is 9th March, 1932, and therefore, aforesaid date of birth should be accepted by the Government as genuine date of birth of the petitioner. Learned counsel drew my attention to the copy of Service Book when he entered in service in 1952. From the copy of the Service Book, it appears that the date of birth of the petitioner is 9th March, 1932. Learned counsel has also drawn my attention to a copy of Service Book while he has entered in service as Assistant Teacher and in the said Service Book of the petitioner, when he entered as Assistant Teacher, it shows that date of birth of the petitioner is 9th March, 1932. Learned counsel therefore submitted that the date of birth of the petitioner as recorded in both the Service Books should be taken as genuine and the respondent Government has committed an error by retiring the petitioner taking his date of birth as 3rd March, 1930.

Ms. Gajjar, learned Assistant Government appearing on behalf of the respondent nos. 2 and 3 submitted that date of birth of the petitioner has been accepted as 3rd March, 1930 on the basis of application filed before the Government. It is also submitted by learned Assistant Government Pleader that according to the certificate of S.S.C.Examination of the petitioner, date of birth is 3rd March, 1930, and therefore, no error has been committed by the respondents in retiring the petitioner taking his date of birth as 3rd March, 1930.

I agree with the submission made by Ms. Gajjar, learned AGP appearing on behalf of the respondents because the date of birth of any person can be accepted on the basis of a certificate issued by the Registrar of Birth and Death or the certificate issued by the School authority or by S.S.C.Examination Board/ or school leaving certificate/ matriculation examination certificate. In the present case, the Government has relied on the certificate issued by S.S.C.Examination Board of the petitioner, wherein date of birth of the petitioner is indicated as 3rd March, 1930. Since the date of birth of the petitioner has been relied on by the Government on the basis of the certificate issued by S.S.C.Examination Board, I am of the view that the Government has accepted the date of birth of the

petitioner by correct procedure, and therefore, no error has been committed by the Government in retiring the petitioner from service taking the date of birth of petitioner as 3rd March, 1930.

Having regard to the facts and circumstances of the case, I am of the view that there is no merits in the present writ petition and accordingly it is dismissed. Rule is discharged. I make no order as to costs.

Date: 20/4/2000. (P.K.SARKAR, J.)

ccshah